Supreme Court, U.S.
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No. 95-882

In The
Supreme Court of the United States
October Term, 1995

JACK DAVID KELLY, Individually, as the Original Sole Owner of MAPLE LEAF DEVELOPMENT CORPORATION and as the President/ Chairman and Shareholder of MAPLE LEAF DEVELOPMENT CORPORATION, "PRO SE,"

Petitioner,

versus

TREE FARM DEVELOPMENT CORPORATION; EMORY O. WILLIAMS, JR.; THE ESTATE OF GEORGE G. PHILLIPS, JR.; E. D. BOB PIERCE; and THE ESTATE OF ABRAHAM L. PIERCE,

Respondents.

Petition For Writ Of Certiorari
To The Supreme Court Of Florida

Supplemental Brief To
Petition For Writ Of Certiorari

Jack David Kelly, Pro SE
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(904) 438-4785
Petitioner, Pro SE

25 pp

QUESTIONS PRESENTED FOR REVIEW

In accordance with Rule 15.2, Rules of the Supreme Court of the United States, the appellant submits that the following questions more accurately present the questions which would be reviewed by this court in this supplementary brief to writ of certiorari.

Whether the actions of the Florida courts violated and deprived Jack David Kelly, individually, as the original sole owner, the president/chairman and shareholder of Maple Leaf Development Corporation, plaintiff their rights under the United States Constitution, State Constitution and Florida Statutes?

The rights of Article III of the Constitution of the United States of America.

Principle 181, from Article III.2.2 provides in all cases in which a state might happen to be a party, the Supreme Court shall have original jurisdiction.

Principle 171, from Article III.2.1 provides the federal courts shall have jurisdiction over any questions arising under the treaties or agreements made by authorities or officers of the United States.

Federal Jurisdiction provides uniform interpretation of treaties for differing interpretation of the states.

Principle 169, from Article III.2.1 provides the federal courts have jurisdiction over any question concerning the Constitution of the United States. This gives the people the right to take any case involving a constitutional question directly to the federal courts.

Principle 168, from Article III.2.1 provides that the administration of the judicial power shall extend to all cases both in law and in equity. This provision provides the federal courts the right to handle all federal cases whether they involve principles of law or principles of equity. No legislative act, therefore contrary to the Constitution can be valid. The courts must declare the sense of the law and not judgment.

Principle 166, from Article III.1 provides the judges of both the Supreme Court and the inferior courts shall hold their offices during good behavior. To secure a steady, upright and impartial administration of the laws...

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JURISDICTION

If it pleases the court Jack David Kelly, individually, as the original sole owner of Maple Leaf Development Corporation and as the President/Chairman and Shareholder of Maple Leaf Development Corporation moves this honorable court to consider this supplemental brief calling attention to new cases, new legislation and other intervening matter, new matter, suppressed and concealed matter not considered or available at the time of the party's last filing.

Pursuant to the questions presented for review and the rights of this jurisdiction provisions the following, Jurisdiction is established for this instant case. The federal court has jurisdiction over any question concerning the Constitution of the United States.

This gives the people the RIGHT to take any case involving a constitutional question directly to the federal courts.

Even though the Founders emphasized that the jurisdiction of the state courts was to be kept entirely separate from that of the federal courts, if a Constitutional question is raised during the litigation of a state case, the matter can be immediately referred to the federal courts for a decision.

One question answered by the Founders in connection with the provision was as follows: "Why must constitutional questions always be referred to a federal court?"

The Federal Judiciary is the exclusive guardian of the constitution. Laws must conform to the Constitution. "The Constitution ought to be the standard of construction for the laws, and that wherever there is an evident opposition, the laws ought to give place to the Constitution."

1. Principle 254 from the Fourteenth Amendment provides: "No state shall deprive any person of life, liberty, or property without due process of law."

"Due Process" means a full hearing as provided by law. The participating attorneys and lower court judges did not allow and suppressed and thereby concealing known compelling evidence of ultimate controlling relevant facts confirming without a doubt the charges of the plaintiff in the lower courts of fraud and deliberate misrepresentation of the proposed merger agreement and violation of the cited questions presented for review by color of law in breach of their duties and responsibilities in connection with claims under due

process clause and civil rights act for which a private citizen is seeking damages or redress because of improper governmental intrusion into their life within the preview of the Fourteenth Amendment and 42 U.S.C.A. § 1983 with fraud on the court.

See the pattern of interference by judicial machinery performing bias and prejudicial adjudication, by preventing Jack David Kelly, etc. from fairly presenting his case or defense of the wrongfully filed title action that is supported by unequivocal and compelling evidence in pretrial proceedings that consisted of suppressing relevant, controlling evidence and conduct so egregious that it underminded the integrity of the judicial process.

Citing Stone v. Stone, ALASKA, 647 P. 2d 582, 586.

Unequivocal compelling relevant written evidence existed and was illegally not admitted, concealed and suppressed, as some examples, see all Exhibits, specifically pointing out Affidavit dated May 20, 1994 by the Horizon Bank of Florida, formerly known as Pensacola Loan and Savings Bank to lower court Judge Joseph Tarbuck during the illegal and unconstitutional summary judgment hearing in violation of all the rights and constitutional provisions cited and provided by the constitution of the U.S. by acts of color of law.

2. Principle 255 from the Fourteenth Amendment provides: "No state shall deny to any person who lives within its jurisdiction the equal protection of the laws."

This provision guarantees the RIGHT to every person (not just citizens) living within a state to the equal protection of the laws.

3. Principle 228 from the Fifth Amendment provides: "No person shall be deprived of life, liberty, or property without due process of law."

This provision guarantees the RIGHT of every American against the taking of his life, liberty, or property without due process of law.

This same provision is included in the Fourteenth Amendment to protect United States citizens from a loss of their rights by any of the states.

4. Principle 169 from Article III.2.1 provides: "The Federal Courts shall have jurisdiction over any question concerning the constitution of the United States."

This gives the people the RIGHT to take any case involving a constitutional question directly to the federal courts.

Laws must conform to the Constitution. "The Constitution ought to be the standard of construction for the laws, and that wherever there is an evident opposition, the laws ought to give place to the Constitution."

5. Principle 170 from Article III.2.1 provides: "The federal courts shall have jurisdiction over any question arising under the laws of the United States."

This provision gives the people of the United States the RIGHT to appeal to the federal courts whenever a case involves the interpretation or enforcement of a law of the United States.

6. Principle 181, from Article III.2.2 provides in all cases in which a state might happen to be a party, the Supreme Court shall have original jurisdiction.

7. Principle 171, from Article III.2.1 provides the federal courts shall have jurisdiction over any questions arising under the treaties or agreements made by authorities or officers of the United States.

Federal Jurisdiction provides uniform interpretation of treaties for differing interpretation of the states.

8. Principle 169, from Article III.2.1 provides the federal courts have jurisdiction over any question concerning the Constitution of the United States. This gives the people the right to take any case involving a constitutional question directly to the federal courts.

9. Principle 168, from Article III.2.1 provides that the administration of the judicial power shall extend to all cases both in law and in equity. This provision provides the federal courts the right to handle all federal cases whether they involve principles of law or principles of equity. No legislative act, therefore contrary to the Constitution can be valid. The courts must declare the sense of the law and not judgment.

10. Principle 166, from Article III.1 provides the judges of both the Supreme Court and the inferior courts shall hold their offices during good behavior. To secure a steady, upright and impartial administration of the laws...

STATEMENT OF THE CASE

Substantial grounds in support of the facts that necessitate the United States Supreme Court exercise its supervisory powers is the continuing fraud and misrepresentation that Tree Farm Development Corporation, etc. has practiced to conceal the fact that the proposed merger was not effective is.

The first filed action was a declaratory judgment action with accounting and specific performance filed by Jack David Kelly, individually, as the original sole owner of Maple Leaf Development Corporation, as the President/Chairman and Shareholder of Maple Leaf Development Corporation to set aside the fraudulently proposed merger between Maple Leaf Development Corporation and Tree Farm Development Corporation, a foreign corporation.

Item 1. Exhibit "A" - Tree Farm Development Corporation did with intent to defrauds, possess and utter forged instruments, namely the Annual Corporate Return of 1975, identified as Exhibit "A", hereto attached and made a part hereof, therefore all property, dealings of any kind, releases and mortgages, etc. of Maple Leaf Development Corporation thenceforth is void.

The officers and directors of Tree Farm Development Corporation knowingly falsely altered the annual return of Tree Farm Development Corporation. This constitutes forgery.

This false representation was made for the illegal purpose of concealing the fact that all of the issued stock of Maple Leaf Development Corporation was assigned, pledged to Pensacola Loan and Savings Bank now known as the Horizon Bank of Florida.

Item 2. Exhibit "B" - See Affidavit dated May 20, 1994, of William D. Nobles, III identified as Exhibit "B" hereto attached and made a part hereof.

This illegal, forged annual return of Tree Farm Development Corporation is proven to be deliberate by letter of May 8, 1980, by George G. Phillips, Jr.

Item 3. Exhibit "D" - See letter dated May 8, 1980, from George G. Phillips, Jr. verified beyond any doubt that the letter of May 30, 980 to Robert L. Stone, an attorney for Mr. Nobles and Pensacola Loan and Savings Bank now known as the Horizon Bank of Florida, from John F. Kibbe (Tree Farm Development Corporation) is false beyond any doubt.

The letter is an attempt to cover up by trick, scheme, device, deliberate misrepresentation and fraud thereby none of the false dealing thenceforth in Maple Leaf Development Corporation assets was effective. Item 3, is identified as Exhibit "D" hereto attached and made a part hereof.

Item 4. Exhibit "D" - See letter dated May 13, 1980, from Robert L. Stone representing the bank to Mr. W. D. Nobles and the bank, reference the untrue letter of May 30, 1980 by John F. Kibbe, individually and Tree Farm Development Corporation, and their dates.

These illegal actions are prohibited by 18 U.S.C. § 1001, Florida Statutes § 726.01, 726.07, 726.08, 726.09 and 42 U.S.C.A § 1983.

Item 5. Exhibit "F" - See letter dated October 29, 1990 from Glenn R. Gronlund, Esq., general counsel for Chelsea Title and Guaranty Company to Phillip A. Bates, attorney for Tree Farm Development Corporation, etc. the defendants. Identified as Exhibit "F", hereto attached and made a part hereof.

In spite of the attorney knowing this as well as his client, in violation of 57.105 (1) Florida Statutes - An attorney is personally responsible for his conduct unless he is in good faith based upon representations of the client, wrongly and illegally filed this type title action on the same issues of the first filed case, the declaratory judgment action, with accounting and specific performance to set aside the filed merger agreement and has illegally attempted to claim ownership, title through color of title and color of law. The appearance or semblance, without the substance, of legal right, misuse of power, possessed by virtue of state law and made possible only because wrongdoers is clothed with authority of state, is action taken under "color of state law".

Atkins v. Lanning D.C. OKL., F. SUPP. 186, 188.

In the context of federal civil rights statutes or criminal law, as this instant case, it is under the fourteenth amendment.

Timson v. Weiner, D.C. OHIO, 395 F. SUPP. 1344, 1347 and is in this instant case pretense of law and includes actions of officers who undertake to perform their official duties.

Thompson v. Baker, D.C. ARK., 133 F. SUPP. 247; 42 U.S.C.A. § 1983.

The illegal acts taken by the private individuals of Tree Farm Development Corporation, Tree Farm Development Corporation and

the representing attorney Phillip Bates under "color of state law" for the purposes of deprivation of the plaintiff's civil rights with significant state involvement is attached to their illegal acts violating 18 U.S.C. § 1001; 42 U.S.C.A. § 1983.

Wagner v. Metropolitan Nashville Airport Authority, C.A. TENN., 772 .2d 227, 229.

The unlawful acts was done while the lower courts officials of the State of Florida, Judges and Attorneys pretending to act in the performance of their official duties with their unlawful acts consisting of abuse and misuse of power which is possessed by the officials only because they are officials and the unlawful acts committed would not have occurred but for the fact that the persons committing them was an official exercising his official powers outside the bounds of lawful authority of 42 U.S.C.A. § 1983 and color of office by one who has no such right.

Kiker v. Pinson, 120 GA. APP. 784, 172 S.E. 2d 333, 334 and color of title.

Hewth v. Farrer, C.C.A. TEX., 94 .2d 654, 658.

That which is a semblance or appearance of title, but is not title in fact or in law.

McCoy v. Lowrie, 42 WASH. 2d 24, 253 P. 2d 415, 418.

This devious scheme, trick and false representation was attempted to be done without the substance of legal right constitutes illegal acts of the officers and directors of Tree Farm Development Corporation as a corporation and as individuals.

The material facts giving rise to Tree Farm Development Corporation's misrepresentation and the named individuals that are involved are straightforward and uncontroverted and supported by documentary evidence of deliberate deception.

1. Willfully falsifying the entry on the Tree Farm's corporate annual return document that was furnished to the Department of State, Division of Corporations and the State of Florida, that W. D. Nobles was a director of Tree Farm Development Corporation.

2. Deliberately concealing the material fact that Maple Leaf Development Corporation's stock was assigned, and pledged to Pensacola Loan and Savings Bank of Pensacola, now known as Horizon Bank of Florida.

3. Willfully concealing the fact that the proposed merger of Maple Leaf Development Corporation and Tree Farm Development

Corporation could not and did not become effective.

This fraudulent and false listing of Mr. Nobles allowed the records to appear the stock was not assigned and pledged, therefore, enabling the owners of Tree Farm Development Corporation to falsely deal in the property of Maple Development Corporation.

In violation of : 18 U.S.C.§ 1001 - Making a false statement to an Agency of the United States; Chapter 726, F.S. - Fraudulent Conveyances, Sales and Loans; Chapter 726.01, F.S. - Void the Fraudulent Conveyances, Sales and Loans; Chapter 726.07, F.S. - Fraudulent Conveyance Void Against Subsequent Purchasers; Chapter 726.08, F.S. - Conveyance with Power of Revocation Void Against Subsequent Purchasers; Chapter 726.09, F.S. - Fraudulent Loans Void.

Citing the Aztec Motel, Inc. Etal. v. State ex rel. Earl Faircloth, Attorney General of the State of Florida Supreme Court of Florida. Defendant moved to dismiss proceeding instituted against them under statutes authorizing forfeiture of the charter of a corporation if one or more individuals who are engaged in or associated with certain activities represent, control or manage the corporation.

The State of Florida lower court judges and attorneys involved in this instant case and all of its interrelated relevant cases and their facts are officers of the lower courts of the State of Florida and the said courts is clothed with authority of the state, pure truth is this is synonymous with the concept of "state action" under the Fourteenth Amendment, Principle 254 from the Fourteenth Amendment.

"Due Process" means a full hearing as provided by law. The participating attorneys and lower court judges did not allow and suppressed and thereby concealing known compelling evidence of ultimate controlling relevant facts confirming without a doubt the charges of the plaintiff in the lower courts of fraud and deliberate misrepresentation, breach of contract of the proposed merger agreement and violation of the cited questions presented for review by color of law in breach of their duties and responsibilities in connection with claims under due process clause and civil rights act for which a private citizen is seeking damages or redress because of improper governmental intrusion into their life within the preview of the Fourteenth Amendment and 42 U.S.C.A. § 1983 with fraud on the court.

See the scheme to interfere with judicial machinery performing

bias and prejudicial adjudication, by preventing Jack David Kelly, etc. from fairly presenting his case or defense of the wrongfully filed title action that is supported by unequivocal and compelling evidence in pretrial proceedings consisted of suppressing relevant controlling evidence and conduct so egregious that it underminded the integrity of the judicial process.

Citing Stone v. Stone, ALASKA, 647 P. 2d 582, 586.

Unequivocal compelling, relevant, written, documented evidence existed and was illegally not admitted, concealed and suppressed, as some examples, see all Exhibits, specifically pointing out Affidavit dated May 20, 1994 by the Horizon Bank of Florida, formerly known as Pensacola Loan and Savings Bank to lower court Judge Joseph Tarbuck during the illegal and unconstitutional summary judgment hearing in violation of all the rights and constitutional provisions cited and provided by the constitution of the U.S. by acts of color of law.

ARGUMENTATION

The Supreme Court has no common law jurisdiction and it can only exercise the jurisdiction prescribed by the Constitution. Jurisdiction does exist in this case due to the state's court of last and the inferior lower courts violation of, by color of law, the plaintiff, a citizen's constitutional rights of law and equity.

Therefore this instant case could not be more substantially federal, as it involves the plaintiff, a citizen fundamental rights of the Constitution of the United States of America of law and equity of which there is no small concern and of great public concern.

Wherefore the plaintiff, a citizen of the United States of America ask this Honorable Court, the Supreme Court of the United States to exercise its supervisory powers and reverse the judgment and remand to trial court for further proceedings to declare the sense of the law and not judgment. Article III Jurisdiction of the Federal Court, Principle 168 from Article III.2.1.

CONCLUSION

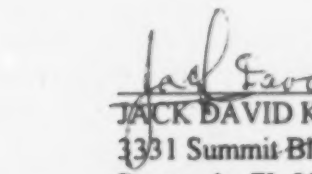
The proposed merger agreement between Maple Leaf Development Corporation and Tree Farm Development Corporation was a binding agreement, as a matter of law, and not subject to repudiation by either party until or unless the performance of a condition failed.

Such failure occurred later in time from the date of the charged statement, the failure of these charged conditions later invalidated the proposed merger agreement between Maple Leaf Development Corporation and Tree Farm Development Corporation.

Therefore the lower courts of Florida judgments, decrees, etc., was certainly prejudicial without authority, color of law and bias.

Wherefore the Writ of Certiorari should be allowed, the judgments, decrees, etc., should be reversed and all the related cases consolidated and remanded for trial with this honorable court of America (U.S.) exercising its supervisory and jurisdictional power for truth and justice, the constitutional rights of Jack David Kelly and Maple Leaf Development Corporation.

The plaintiff of the first filed case respectively submits this request to this Honorable Court for truth and justice.



JACK DAVID KELLY, PRO SE
3331 Summit Blvd., #87
Pensacola, FL 32503
(904) 438-4785

Appendix - 1

EXHIBIT "A"

Appendix - Pursuant to Fed. R. App. P. 30.

Date - 1975

Corporation Annual Report, Identified as Exhibit "A"

Tree Farm Development Corporation — Date of Incorporation
23 Lexington Ave. — 12/14/1971
Cambridge, Mass. 02128

Individuals:

1.	Edward L Diehl President/Director	23 Lexington Avenue Cambridge, Mass.
2.	Abraham Pierce Vice President/Director	1007 W. Zarragossa Pensacola, Fla.
3.	George Phillips Secretary/Director	222 South Tarragona Pensacola, Fla.
4.	John F. Kibbe Treasurer	23 Lexington Avenue Cambridge, Mass.

See Addendum to Corporate Annual Report, identified as Exhibit "A".

100 Shares at $60.00 (Inaccurate)

Capital Stock Type: Common Par $1.00/Share 15,000

Declaration of Truth & Correctness (Copy Illegible)

Signed John F. Kibbe

Title: Treasurer

Date: May 1975

ADDENDUM TO CORPORATION ANNUAL REPORT
1975

SCHEDULE I: Officers of Tree Farm Development Corporation

Name	Title	Address
Edward L Diehl	President	23 Lexington Avenue Cambridge, Mass.
Abraham Pierce	Vice President	1007 W. Zarragossa Pensacola, Fla.
George Phillips	Secretary	222 South Tarragona Pensacola, Fla.
John F. Kibbe	Treasurer	23 Lexington Avenue Cambridge, Mass.

SCHEDULE II: Directors of Tree Farm Development Corporation

Edward L. Diehl	23 Lexington Avenue, Cambridge, Mass.
Robert L. Smith	140 Worthen Road, Lexington, Mass.
David Bird	66 Fresh Pond Lane, Cambridge, Mass.
George Phillips	222 South Tarragona, Pensacola, Fla.
Abraham Pierce	1007 W. Zarragossa, Pensacola, Fla.
William D. Nobles, Jr.	180 North Palafox St., Pensacola, Fla.

EXHIBIT "D"

May 13, 1980 - Letter from Robert L. Stone of Harrell, Wiltshire, Stone and Swearingen to Mr. W. O. Nobles, Jr., Vice President Pensacola Loan and Saving Bank, 180 North Palafox Street, Pensacola, Florida, Now known as the Horizon Bank of Pensacola

May 8, 1980 - The Letter from George Phillips to Robert L. Stone, Attorney for Pensacola Loan and Savings Bank now known as the Horizon Bank of Pensacola.

May 13, 1980 - Letter from Robert L. Stone of Harrell, Wiltshire, Stone and Swearingen to Mr. John F. Kibbe, 23 Lexington Avenue, Cambridge, Massachusetts. Re: Tree Farm Development Corporation

June 10, 1980 - Letter from Robert L. Stone of Harrell, Wiltshire, Stone and Swearingen, Law Firm representing Pensacola Loan and Savings Bank to Pensacola Loan and Savings Bank now known as Horizon Bank of Florida, identified as Exhibit "D" hereto attached and made a part hereof, referencing Letter of May 30, 1980 from John F. Kibbe, identified as Exhibit "D" hereto attached and made a part hereof, in an attempt by Tree Farm Development Corporation to conceal, cover up the deliberate misrepresentation made by them, Tree Farm Development and every listed officer and director individually and personally by trick, scheme and device of the fact that the proposed merger between Maple Leaf Development Corporation and Tree Farm Development Corporation was not effective and fraudulently on file with the State of Florida, the Secretary of the State of Florida.

October 17, 1990 - See Case No. 79-1862-CA-01, Division:"K". IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA, PENSACOLA LOAN & SAVINGS BANK, a Florida Industrial Savings Bank, (now known as the Horizon Bank of Florida), Plaintiff, vs. EMORY O.

WILLIAMS and GLORIA V. WILLIAMS, Husband and Wife, ABE PIERCE and VERA PIERCE, Husband and Wife, E. D. PIERCE, and GEORGE G. PHILLIPS, Defendants, vs. TREE FARM DEVELOPMENT CORPORATION, Garnishee, identified as Exhibit "E" hereto attached and made a part hereof. Documentary supplementary ultimate facts of proof of the misrepresentation which will be supplied and proven beyond any doubt by ultimate, controlling, relevant facts presented in oral argument.

December 20, 1995 - See Case No. 87,039. Appeal from DCA Case No. 94-04303 and the Second Judicial Circuit, In and for Leon County, Florida, Case No. 93-3117. Supreme Court of Florida, JACK DAVID KELLY, Appellant, v. ALBERT PENSON, in his individual capacity and as a Partner in the Law firm of HILTON, HILTON, KOLK & PENSON, P.A., Appellees, identified as Exhibit "E" hereto attached and made a part hereof. Additional facts of relevant proof of misconduct by attorneys and lower courts involved will be supplied and proven beyond any doubt by ultimate, controlling, relevant facts presented in oral argument.

January 14, 1991 - Letter from Pensacola Loan and Savings Bank now known as the Horizon Bank of Florida, identified as Exhibit "F" hereto attached and made part hereof, confirming again to Mr. Ed Stripling, Financial Administration Division of Banking, The Capitol, Suite 1402, Tallahassee, Florida 32301 the fact of the above. Note: If Tree Farm Development Corporation forged Document (Annual Return of 1975) were true then the Financial Administration of Banking would certainly prohibit the bank loaning Maple Leaf Development Corporation money, in violation of banking laws and conflicts of interest, etc. Being a forged document, this violated all statutes of misrepresentation, fraud and racketeering and violation of Florida corporation laws, etc.

May 20, 1994 - Affidavit of William D. Nobles, III of Horizon Bank of Florida, which is Exhibit "B", confirming the uncontestable facts of the above fraud, misrepresentation by trick, scheme and devices of Tree Farm Development Corporation as a corporation and personally as individuals of Tree Farm Development criminal activity, racketeering and conspiracy.

EXHIBIT "D"

HARRELL, WILTSHIRE, STONE AND SWEARINGEN
ATTORNEYS AT LAW
201 EAST GOVERNMENT STREET
PENSACOLA, FLORIDA 32598
MAY 13, 1980

Mr. W. D. Nobles, Jr.
Vice President
Pensacola Loan & Savings Bank
180 North Palafox Street
Pensacola, Florida

Re: Maple Leaf Development Corporation

Dear Jack:

Enclosed herewith please find a letter from George Phillips to me dated May 8, 1980, dealing with Maple Leaf Development Corporation and Tree Farm Development Corporation. I believe the letter is self-explanatory and serves to explain that your father was not an officer, stockholder or director in either Maple Leaf Development Corporation or Tree Farm Development Corporation.

I trust this information will prove helpful to you.

Yours very truly,
/s/ Bob
ROBERT L. STONE

RLS/pak
Enclosure

EXHIBIT "D"

George G. Phillips, Jr., P.A.
Attorney at Law
212 East Church Street · Pensacola, Florida 32501
Area Code 904-498-1484
May 8th, 1980

Robert L. Stone, Esquire
Attorney at Law
201 East Government Street
Pensacola, Florida 32501

Dear Bob:

Tree Farm Development Corporation is a Delaware corporation authorized to do business in Florida and was merged with

Maple Leaf Development Corporation, a Florida corporation whose officers and directors were five local Pensacola people. They were Emory O. Williams, Jr., A. L. Pierce, Bob Pierce, Jack Kelly and the undersigned.

After the merger of Maple Leaf Development Corporation with Tree Farm Development Corporation, the officers of Tree Farm Development Corporation were Mr. Ed Diehl, Mr. Robert Smith, and Mr. Eric Oodleifson, all of Cambridge, Massachusetts, and Mr. A. L. Pierce and the undersigned.

Mr. W. D. Nobles, Jr., of Pensacola, Florida, was a person upon whom the members of Maple Leaf Development Corporation called upon for counsel and guidance and financial assistance. Mr. Nobles assistance and help was very beneficial to all of us collectively and individually. At no time however was Mr. Nobles a stockholder, officer or director of either Maple Leaf Development Corporation or Tree Farm Development Corporation. I am certifying this to the best of my knowledge from approximately 1974 through the date of this letter.

I appreciated very much discussing the matter with you in our recent telephone conversation and I am hopeful that this will provide you with the information needed.

Very truly yours,
/s/ George G. Phillips
GEORGE G. PHILLIPS

GGP/cb

EXHIBIT "D"

HARRELL, WILTSHIRE, STONE AND SWEARINGEN
ATTORNEYS AT LAW
201 EAST GOVERNMENT STREET
PENSACOLA, FLORIDA 32598
MAY 13, 1980

Mr. John F. Kibbe
23 Lexington Avenue
Cambridge, Massachusetts

Re: Tree Farm Development Corporation

Dear Mr. Kibbe:

Mr. Jack Kelly, formerly a stockholder in Tree Farm Development Corporation, brought to the attention of Pensacola Loan

& Savings Bank, our client, a Corporation Annual Report filed for the year 1975 by Tree Farm Development Corporation and signed by you as treasurer of that corporation. The Corporation Annual Report has an addendum thereto listing Directors of Tree Farm Development Corporation. The list includes William D. Nobles, Jr. of 180 North Palafox Street, Pensacola, Florida. As you know, Mr. Nobles is Chairman of the Board of Pensacola Loan & Savings Bank. According to Mr. Nobles he has never been a stockholder, officer or director in Tree Farm Development Corporation quite concerned that he is listed on the Annual Report as a Director in view of the fact that Pensacola Loan & Savings Bank has made various loans to Tree Farm Development Corporation.

I would very much appreciate your providing me with whatever information you had in order to prepare the Corporation Annual Report (1975) to include William D. Nobles, Jr. as a Director. If there was anything signed by Mr. Nobles or purported to be signed by Mr. Nobles within the corporate framework of Tree Farm Development Corporation, I would appreciate your providing me with a copy thereof.

I am presuming that the inclusion of the name William D. Nobles, Jr. as a Director in Tree Farm Development Corporation in the annual report above referenced was by mistake. If you reach this conclusion, I would appreciate your confirming that fact by mail.

Thank you for your cooperation.

Yours very truly,
/s/ Robert L. Stone
ROBERT L. STONE

RLS/pak
cc: Mr. Jack Nobles

EXHIBIT "D"

HARRELL, WILTSHIRE, STONE AND SWEARINGEN
ATTORNEYS AT LAW
201 EAST GOVERNMENT STREET
PENSACOLA, FLORIDA 32598
June 10, 1980

Mr. Jack Nobles
Vice President
Pensacola Loan & Savings Bank

180 North Palafox Street
Pensacola, Florida

Re: Tree Farm Development Corporation - Nobles

Dear Jack:

Enclosed herewith please find a copy of a letter from John F. Kibbe on behalf of Tree Farm Development Corporation which in effect states that Mr. Nobles had absolutely nothing to do with the management of Tree Farm Development Corporation and did not serve as a director for that corporation. He explains that Messrs. Pierce and Phillips named him as a director as they were entitled to do but had not discussed it with him and his name was withdrawn.

Yours very truly,
/s/ Robert L. Stone
ROBERT L. STONE

RLS/pak
Enclosure

EXHIBIT "D"

MAY 30, 1980

Mr. Robert L. Stone
Harrell, Wiltshire, Stone and Swearingen
201 East Government Street -- P. O. Drawer 1752
Pensacola, Florida 32598

Dear Mr. Stone,

During a certain period of time that Pensacola shareholders in Tree Farm Development Corporation were entitled to name 3 directors. This was true in 1975 when Mr. Nobles was proposed as a potential director by Messrs. Abraham Pierce and George Phillips, both of Pensacola and shareholders and directors at that time.

Subsequently, when it became known that neither Mr. Phillips nor Mr. Pierce had discussed this with Mr. Nobles, his name was withdrawn. Mr. Nobles did not serve in the capacity of director* in any way. We apologize if this matter has caused him any distress.

One item in your letter of May 13, 1980, needs correction. Tree Farm Development Corporation has never applied for nor has it received any loans from Pensacola Loan & Savings Bank. Should you have anything which would purport that we have made such application or have been granted such loan we would appreciate your forwarding it to us.

Again, we wish to confirm that Mr. Nobles was never asked

to serve as a director nor did he in fact so serve.

Very truly yours,
/s/ John F. Kibbe
John F. Kibbe

TREE FARM DEVELOPMENT CORPORATION
23 LEXINGTON AVENUE·CAMBRIDGE, MASSACHUSETTS

* Statement of Fact by Jack David Kelly, President/Chairman of Maple Leaf Dev. Corp. Note: Maple Leaf Dev. Corp. had made a loan of $69,000 by Pensacola Loan & Savings Bank now known as the Horizon Bank of Florida and all shareholders of Maple Leaf Dev. Corp. jointly and several personally guaranteed the note and as collateral pledged all issued stock of Maple Leaf Dev. Corp. as security May 29, 1971 prior to the proposed merger.

EXHIBIT "F"

Horizon Bank of Florida
January 14, 1991

Mr. Ed Stripling
Financial Administration
Division of Banking
The Capitol, Suite 1402
Tallahassee, Florida 32301

Dear Ed:

Per our telephone conversation of this date, I am enclosing photocopies of various letter concerning Jack Kelly, Tree Farm Development, Maple Leaf Development Corporation. These copies will clarify their relationship with W. D. Nobles, Jr.

Possible this will give you a better understanding of the fact that Mr. Nobles has never been on the Board of Directors of either of those corporations.

I hope this will help you in dealing with Mr. Kelly.

Very truly yours,
/s/ R. G. Barr
R. G. Barr
Executive Vice President

RGB/map
enclosure(s)
cc:file

P.S. Ed, please advise Mr. Kelly that if he continues to bring this

matter up and harass Mr. Nobles, he will leave Mr. Nobles no other choice than to seek legal counsel.

EXHIBIT "B"

Horizon Bank of Florida

The Honorable Judge Tarbuck
Escambia County Circuit Court
190 Governmental Center
Pensacola, FL 32501
STATE OF FLORIDA
ESCAMBIA COUNTY

The undersigned affiant appeared before me this date and he is known to me and he did take an oath that the matters and documents referred to in his statement are true and accurate:

AFFIDAVIT OF WILLIAM D. NOBLES, III

You affiant, William D. Nobles, III, is the son of William D. Nobles, Jr., and the current Senior Vice President, of Horizon Bank, formerly known as Pensacola Loan & Savings Bank. My father in 1975 was chairman of the board of the bank.

I have examined a 2 page document, under the heading "SCHEDULE II: Directors of Tree Farm Development Corporation" my father's name is listed as a director. My father, William D. Nobles, Jr., was not associated with nor a director or officer in Tree Farm Development Corporation. The document as it pertains to my father, is in error.

FURTHER AFFIANT SAYETH NOT

/s/ William D. Nobles, III
WILLIAM D. NOBLES, III

STATE OF FLORIDA
ESCAMBIA COUNTY

The undersigned appeared and signed this document on May 20, 1994, and is personally known to me.

/s/ Ginger E. French
Notary Public
[Seal]

My commission expires:
3-15-98

EXHIBIT "F"

GLENN R. GRONLUND
First Fidelity Bank Building
1301 Atlantic Avenue · Atlantic City, New Jersey 08401
(609) 345-5970

October 29, 1990

Philip A. Bates, Esquire
Bates & Tipton, P.A.
700 South Palafox, Suite 3A
Pensacola, FL 32501

Re: Kelly v. Tree Farm Development Corporation, et al.

Dear Mr. Bates:

We have carefully reviewed the Amended Complaint which has been filed in this action. As I am sure you recognize, this Declaratory Judgment seeks to undo the terms of a certain merger agreement entered into by the various parties. The plaintiff is suing his partners for failing to live up to the terms and conditions of that agreement and to return the parties to where they were prior to that agreement.

As such, there is being no claim made against the title to Tree Farm properties, as such. The only claims are breach of contract actions which are not covered by the title insurance policy.

Accordingly, we must respectfully advise you that there is no title insurance for the claims being alleged by Jack Kelly against Tree Farm Development Corporation. As such, we must decline to give you any instructions as to how may conduct the breach of contract litigation. The construction of the interest of the various parties is dependent upon the Court determining who breached the contract, not whether there was good and sufficient title at issue in the first place. If you have any other additional information with which you would like to acquaint us, perhaps we could review this matter. But as presently presented, there is no cause of action stated for which there is title insurance under the policy issued.

Very truly yours,
CHELSEA TITLE AND GUARANTY COMPANY
By: /s/ Glenn R. Gronlund
Glenn R. Gronlund, Esq.
General Counsel